

BALICK & BALICK LLC  
ATTORNEYS

January 15, 2008

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**VIA CM/ECF E-FILING**

The Honorable Judge Sue L. Robinson  
United States District Court  
for the District of Delaware  
844 North King Street, Room 4209  
Lock Box 18  
Wilmington, DE 19801

***Re: Collins v. CMS, et al.  
C.A. No. 05-624 SLR***

Dear Judge Robinson:

I represent the defendant Correctional Medical Services, Inc. ("CMS") in the above-referenced matter. On November 6, 2007, CMS filed its Motion to Compel or, in the Alternative for Summary Judgment (D.I. 90). Following Plaintiff's unilateral refusal to complete his deposition, CMS filed its Notice of Joinder and Supplement to Motion to Compel or, in the Alternative, for Summary Judgment. (D.I. 92)

My calendar indicates that CMS's reply in support of its pending Motion is due today. Because Plaintiff has failed to file any response whatsoever contesting that Motion, CMS waives its reply and stands on the documents already on file.

If any matter addressed herein raises any question or concern on the part of the Court, I remain, as always, available at the call of the Court.

Sincerely,  
James E. Drnec

JD/jz

cc: Erika Y. Tross, Esquire (via CM/ECF)  
Mr. Harry T. Collins